



House Bills 4212 and 4215

What the bills do:

HB 4212 & 4215 would re-instate Public Acts 14 and 15 of 2012 (HB 5125 & 5126), originally enacted in February 2012 and sunset January 1, 2015. The statute allowed a county board of commissioners **to take over the duties and responsibilities** of their appointed county road commissioners. It did not "eliminate" the road commission. In counties where road commissioners are elected, the county board of commissioners could put a question before voters to take over the duties and responsibilities of the road commission. If successful, the county board of commissioners would effectively become the "county road commissioners" operating and adhering to the County Road Law, P.A. 51 of 1951 (MTF), the Michigan Vehicle Code, and any applicable transportation rules and regulations.

Some facts on county road commissions:

- 78 county road commissions.
- 5 county road departments.
- 35 elected road commissions.
- 41 appointed road commissions.
- 2 road commissions elected, transitioning to appointed.
- 28 5-member road commission boards.
- 50 3-member road commission boards.
- Average road commissioner receives \$4,481 annual salary.
- Average per diem is \$48.18 counties have no per diem.
- Approximately one-third of road commissioners receive some sort of benefit; any benefits are set by the county board of commissioners.

Options already available for county board oversight of road commission:

- Determine if road commissioners are appointed or elected.
- Reappoint road commissioners.
- Set road commissioner salaries, benefits (if any).
- Can transfer road commission from elected to appointed.
- Can remove commissioner(s) for inappropriate action.

Loss of specialized training:

- Unable to participate in specialized safety training.
- Don't receive weekly safety messages from insurance pools.

Why the County Road Association opposes HB 4212 and 4215:

- Over the nearly 3-year period with P.As 14 and 15 of 2012 in effect, approximately **30 counties held formal and informal meetings, only 3 counties took advantage of this option** (Ingham, Calhoun and Jackson). **None of these counties were able to identify significant savings from making this change.**

- **County road commissions were established by a vote of the people** and 78 counties are still operating that way today. Reinstating this option allowing a county board to take over the duties and responsibilities of the board of road commissioners by a simple majority resolution vote of the board, **nullifies the vote of the people that created the road commission** to maintain and improve their local road system.
- Without the passage of HB 4212 and 4215, **the county board of commissioners still has the ability to place a county-wide ballot proposal before voters** allowing for the county board to take over the duties and responsibilities of the board of road commissioners. **The County Road Association of Michigan does not oppose the use of this option. Both Wayne and Macomb Counties used this option.**
- Road commissions have a difficult job maintaining roads with revenues that are insufficient to meet needs. They are subject to **annual independent financial audits, which now include performance audits.** Audit information is shared with the county and townships and is available on the Treasury website and county road agency dashboards by September, 2015.
- This legislation nullifies a well thought out and independent entity whose sole responsibility is the road and bridge network. **County road commissions and county road departments are held to the same state and federal oversight standards.** An independent county road commission, however, has commissioners **elected or appointed to represent the entire county rather than regions of the county.** They are charged with making decisions that ensuring the road system meets the needs of the county and its connection with state and federal roads.
- MCL 224.6 (4) specifies the **process for removing a road commissioner from office.** "A county road commissioner appointed under this subsection shall not be removed from office before the expiration of his or her term of office without being given written notice of the charges made against him or her and an opportunity to appear before the county board of commissioners for a hearing on the charges.

The County Road Association of Michigan recommends a "no" vote on HB 4212 & 4215.

PUBLIC HIGHWAYS AND PRIVATE ROADS (EXCERPT)
Act 283 of 1909

224.6 Board of county road commissioners; election or appointment; notice of election; date; term of office; removal from office; notice of charges; county with population of 750,000 or more; powers and duties; reorganization; expenditure of funds; alteration of number of county road commissions; transfer of powers and duties of county road commissioners to county board of commissioners; resolution.

Sec. 6. (1) Except as otherwise provided by law and under subsection (4), (5), (7), or (8), in a county where the county road system is adopted, a board of county road commissioners consisting of not less than 3 members or more than 5 members shall be elected by the people of the county. The initial road commissioners shall be appointed by the county board of commissioners or elected at a general or special election called for that purpose, as determined by the county board of commissioners. The county board of commissioners may by resolution provide for staggered terms of office for the road commissioners under this subsection so that not more than 2 road commissioners' terms of office expire in the same year.

(2) If the road commissioners are appointed, they shall hold office only until January 1 of the first odd numbered year following the date of appointment. If the road commissioners are to be elected at a general or special election, notice of the election, embodying a copy of the resolutions of the county board of commissioners, giving the number and terms of the office of the road commissioners to be elected, shall be published by the clerk as required by section 3 of this chapter.

(3) The regular election of county road commissioners shall be held at the general election on the first Tuesday after the first Monday in November. The term of office of an elected county road commissioner shall commence on January 1 in the year following his or her election. The notice of the election shall be given at the time notice is given of the general election of county officers.

(4) The election of county road commissioners shall not be mandatory in any county that contains all or part of 12 surveyed townships as determined by the government survey of the county. Except as provided under subsection (5), in a county under this subsection the county board of commissioners, by a majority of its members elect, may appoint the county road commissioners. A county road commissioner appointed under this subsection shall not be removed from office before the expiration of his or her term of office without being given written notice of the charges made against him or her and an opportunity to appear before the county board of commissioners for a hearing on the charges.

(5) In a county having a population of 750,000 or more that has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized by amendment to the charter. In a county having a population of 750,000 or more with a charter commission proposing a charter under 1966 PA 293, MCL 45.501 to 45.521, the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized under the charter if, at the election considering the approval of the charter, the voters approve both the charter and a separate ballot question presented by the charter commission to reorganize the board of county road commissioners. Funds provided to the county under 1951 PA 51, MCL 247.651 to 247.675, shall only be expended for the purposes provided under 1951 PA 51, MCL 247.651 to 247.675.

(6) If the county board of commissioners proposes to alter the number of county road commissioners as allowed under this act, the county board of commissioners shall hold not less than 1 public hearing on the proposed change to the road commission. The county board of commissioners shall give notice as required under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and place of the public hearing not less than 28 days before the hearing. The county board of commissioners shall also provide written notice of the hearing to the county road commission and, if available, by posting the notice on the county's website. The county board of commissioners may vote on whether to alter the number of county road commissioners at the meeting noticed under this subsection.

(7) Except as otherwise provided under subsection (5) and subject to the requirement provided in subsection (9), before January 1, 2015, the powers, duties, and functions that are otherwise provided by law for an appointed board of county road commissioners may be transferred to the county board of commissioners by a resolution as allowed under section 11 of 1851 PA 156, MCL 46.11. The appointed board of county road commissioners of that county is dissolved on the date specified in the resolution adopted under this subsection, and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675.

(8) Except as otherwise provided in subsection (5) and subject to the requirement provided in subsection (9), before January 1, 2015, the county board of commissioners in a county with an elected board of county road commissioners may, by a resolution as allowed under section 11 of 1851 PA 156, MCL 46.11, submit to

the qualified and registered electors of the county at the next regular election to be held in the county the question of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners. If a majority of the qualified and registered electors of the county voting on the question vote in favor of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners, the elected board of county road commissioners of that county is dissolved and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675.

(9) Before adopting a resolution under subsection (7) or (8), the county board of commissioners shall conduct, at a minimum, 2 public hearings on whether to transfer the powers, duties, and functions of the board of county road commissioners to the county board of commissioners.

History: 1909, Act 283, Eff. Sept. 1, 1909;—Am. 1911, Act 148, Eff. Aug. 1, 1911;—Am. 1913, Act 400, Eff. Aug. 14, 1913;—Am. 1915, Act 75, Eff. Aug. 24, 1915;—Am. 1915, Act 181, Eff. Aug. 24, 1915;—CL 1915, 4352;—Am. 1917, Act 356, Imd. Eff. May 10, 1917;—Am. 1929, Act 233, Eff. Aug. 28, 1929;—CL 1929, 3981;—CL 1948, 224.6;—Am. 1982, Act 299, Imd. Eff. Oct. 11, 1982;—Am. 2006, Act 598, Imd. Eff. Jan. 3, 2007;—Am. 2009, Act 39, Imd. Eff. June 12, 2009;—Am. 2012, Act 14, Imd. Eff. Feb. 21, 2012.

Compiler's note: As to inter-county highways, super-highways, and limited access highways, see MCL 252.1 et seq.

Former law: See section 6 of Act 149 of 1893, being CL 1897, § 4267; Act 197 of 1905; and Act 82 of 1907.

Popular name: County Road Law